



PRIVACY ACT REQUEST ICO LT ACEVEDO >



Annmarie Acevedo <annmarie.l.acevedo@gmail.com>

Wed, Feb 9, 3:54 PM (8 days ago)



to folia

Good afternoon,

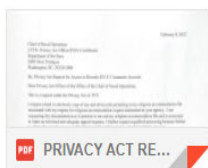
My name is LT Annmarie Acevedo and I am requesting information from the office of the Chief of Naval Operations. I obtained this email address from the Navy JAG webpage so if it is incorrect, please advise.

Please see attached Privacy Act and Freedom of Information Act Request. Please let me know if there is any additional information you need to process my request. Thank you and look forward to hearing from you.

Very respectfully,

LT Annmarie Acevedo

919-766-1031



Reply

Forward

February 8, 2022

Chief of Naval Operations
ATTN: Privacy Act Officer/FOIA Coordinator
Department of the Navy
2000 Navy Pentagon
Washington, DC, 20350-2000

Re: Privacy Act Request for Access to Records ICO LT Annmarie Acevedo

Dear Privacy Act Officer of the Office of the Chief of Naval Operations:

This is a request under the Privacy Act of 1974.

I request a hard or electronic copy of any and all records pertaining to my religious accommodation file associated with my request for religious accommodation request maintained at your agency. I am requesting this documentation as it pertains to me and my religious accommodation file and is necessary to make an informed and adequate appeal response. I further request expedited processing because failure to obtain the records on an expedited basis could result in my loss of substantial due process.

To help you to locate my records, my religious accommodation appeal was received by the DCNO N1's office on November 23, 2021. I subsequently received an appeal denial response from the CNO via letter dated January 23, 2022. The requests pertaining to this request would have been accessed, used, and/or considered during that window of time.


To further describe the requested records, I am requesting any and all documentation used as a reference or for review and consideration in the CNO's determination and response to my religious accommodation appeal. These documents include, but are not limited to, vaccination and COVID-19 statistics, any medical data considered or associated with the determination that unvaccinated individuals provide a higher risk to force than any other group, higher guidance, references, instructions, NAVADMINs, ALNAVs, my religious accommodation package, spreadsheets and/or trackers associated with decision-making if applicable, my personnel record information, etc..

Please consider that this request is also made under the Freedom of Information Act. Please provide any of the above-requested or additional information that would be releasable to me under the FOIA. I understand I am an "other" requestor and am willing to pay any fees associated with this request.

Should you require additional information or further clarification to process this request, please contact me via phone at 919-766-1031 or via email at Annmarie.L.Acevedo@gmail.com.

Thank you for your consideration of this request.

Sincerely,



LT Annmarie Acevedo
1436 Rivers Edge Trce
Chesapeake, Virginia 23323



CUI
DEPARTMENT OF THE NAVY
COMMANDER DESTROYER SQUADRON TWO EIGHT
9727 AVIONICS LOOP STE 200
NORFOLK, VA 23511

1000
Ser N00/152
17 Sep 21

FIRST ENDORSEMENT on USS GRAVELY (DDG 107), ltr 1000 Ser DDG107/EXEC
of 9 Sep 21

From: Commander, Destroyer Squadron TWO EIGHT
To: Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education), N1
Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE
ICO LT ANNMARIE

Ref: (a) DOD Instruction 1730.11A

Encl: (1) LT Annmarie Acevedo request of Religious Practice of 8 Sep 21
(2) NAVPERS 1070/613 ICO LT ANNMARIE ACEVEDO
(3) Chaplain Memorandum and Interview Checklist
(4) Commanding Officer's Endorsement

1. Forwarding for consideration.

2. My point of contact in this matter is (b) (6), he can be reached by telephone at
(b) (6) or by e-mail at (b) (6)

(b) (6)

Copy to:
USS GRAVELY (DDG 107)



USS GRAVELLY (DDG 107)
UNIT 100337 BOX 1
FPO AE 09570

1000
DDG107/EXEC
9 Sep 21

From: Commanding Officer, USS GRAVELLY (DDG 107)
To: Chief of Naval Operations, (N1)
Via: Commander, Destroyer Squadron TWO EIGHT

Subj: DISAPPROVAL RECOMMENDATION ICO LT ANNMARIE ACEVEDO
RELIGIOUS ACCOMMODATION

Ref: (a) DOD Instruction 1300.17
(b) SECNAVINST 1730.8
(c) BUPERSINST 1730.11A

Encl: (1) LT Annmarie Acevedo request of Support of Religious Practice 8 SEP 21
(2) Chaplain Memorandum and Interview Checklist
(3) NAVPERS 1070/613 ICO LT Annmarie Acevedo
(4) LT Annmarie Acevedo Statement ICO COVID-19 NAVPERS 1070/613 9 SEP 21

1. Per references (a) through (c), I am forwarding this request recommending disapproval in full during the following environments:

- a. Operational Recommendation: FULL
- b. Non-Operational Recommendation: FULL
- c. Training Environment Recommendation: FULL

2. The following information was considered or is provided for consideration as applicable:

a. The importance of the military policy, practice, or duty from which religious accommodation is sought in terms of mission accomplishment including:

- (1) Military Readiness: This Sailor's job on the ship is critical to mission success, and their loss would not only degrade combat effectiveness, but would severely jeopardize operations due to the logistical burden caused by isolation or MEDEVAC protocols.
- (2) Unit Cohesion: While diversity of ideas is encouraged, alignment and execution of general orders enhances the ship's ability to execute the mission and is critical to unit cohesion.

(3) Good Order and Discipline: Having a Sailor onboard who is exempt from this general order is detrimental to good order and discipline, and places crew members at increased risk.

(4) Health and Safety: Preserving the health and safety of the crew is vital to the ship's ability to execute tasking, not protecting the crew against a contagious virus would negatively impact the welfare of the crew.

(5) There are no Sailors onboard who have an approved exemption. There are no alternative measures available that provide a better or safer outcome for the Sailor, ship, or mission. There are three vaccination options to choose from.

(6) At present, this Sailor has completed all required service related vaccinations

b. The religious importance of the practice to the requestor.

c. The cumulative impact of repeated accommodations of religious practices of a similar nature.

d. Alternate means available to accommodate the practice in whole or in part.

3. My point of contact for this matter is (b) (6) who can be reached at (b) (6)

4. This disapproval recommendation will be emailed to OPNAV N131 for review/decision within the timelines in reference (c).


C. DeDOM

8 Sep 21

From: Lieutenant Annmarie L. Acevedo, USN, 1110
To: Chief of Naval Operations, N1
Via: (1) Commanding Officer, USS GRAVELY (DDG 107)
(2) Commanding Officer, Destroyer Squadron 28

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE
ICO LT ANNMARIE ACEVEDO

Ref: (a) DoD Instruction 1300.17
(b) SECNAVINST 1730.8
(c) BUPERSINST 1730.11
(d) MILPERSMAN 1730-020
(e) BUMEDINST 6230.15B

1. Pursuant to references (a) through (e), I hereby request religious accommodation from the Navy policy that mandates that I receive any COVID-19 vaccine due to my religious belief that any vaccine in response to COVID-19 is an initiation to the beast system and conditioning to receiving the mark of the beast and as a steward of the body God blessed me with as a vessel to house the Holy Spirit, I cannot accept this vaccine; the law of God supersedes the law of man.

2. I am adherent to the Christian faith. My faith is nondenominational, and it is my sincere belief that dividing faith into denominations is not as God intended; his Word governs all. The term "religious" in Title VII is broad and inclusive. It includes organized religions but also beliefs that are new, uncommon, not part of a formal church or sect, or only held by a small number of people. My request is based on my sincerely held religious belief that the way of our current world is a direct correlation to the book of Revelations and is leading to the time where the mark of the beast will be given. Although I do not believe the COVID-19 vaccine is the mark of the beast I do believe this is conditioning; getting the world ready to receive and accept the mark. Revelations 13 says, "No one could buy or sell anything without the mark," and I see that this is the way our world is trending. We are presently in a world that embraces satanic culture and norms re-packaged under New Age practices such as witchcraft, astrology, crystals, tarot cards, 'higher-self', manifestations, and the like. I believe that the world around us has become so self-focused, believing that one is also a god/goddess, that it is driving people further from God and all his Glory. Never in the history of our time has a virus become so intertwined and authoritative in every aspect of our daily lives to the point of drastic segregation between those with and those without. COVID-19 has taken center stage for citizens of the world and both COVID-19 and now vaccination status restrict individuals' abilities to be productive members of society via work, commerce, school, travel, and recreation. The book of Revelations tells us to be steadfast in our faith in the presence of a society functioning in this manner. God tells us to renounce the beast system and to steer clear of anything that does not give glory to God which I strongly believe includes the COVID-19 vaccination.

Enclosure (1)

**Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE
ICO LT ANNMARIE ACEVEDO**

I believe that God gave me this body, and in my body lives the Holy Spirit. 1 Corinthians 6:19 says, "Do you not know that your bodies are temples of the Holy Spirit, who is in you, whom you have received from God? You are not your own." God blessed me with this body as a steward of the vessel that houses the Holy Spirit and commands for me to take care of it, be fruitful, and multiply which may be hindered by receiving this vaccination. I believe that God, through the Holy Spirit within me, has consistently and unfailingly led me away from any vaccine for COVID-19. 2 Peter 1:3 says, "By His divine power, God has given us everything we need for living a godly life. We have received all of this by coming to know Him." I trust in the Lord and believe my health and safety are determined by Him and that He has given my body the natural ability to do all that a vaccine is designed to do. As 1 Corinthians 2:5 says, "That your faith should not stand in wisdom of men, but in the power of God." Further, God has given us all free will and the gift of choice. 2 Corinthians 3:17 says, "For the Lord is the Spirit, and wherever the Spirit of the Lord is, there is freedom."

3. In accordance with reference (d) I understand and have been counseled on the following:

- a. Failure to obtain immunization poses additional risk to my health upon exposure to disease.
- b. In the event of foreign travel, I may be detained during travel across foreign borders due to international health regulations.
- c. If granted, a waiver may be revoked by my commanding officer if I am at imminent risk of disease or due to international health regulations.
- d. If my job duties change, I may need to route a new request.
- e. If I am at my permanent change of station while my waiver is in effect, I may need to route a new request if my job duties change, my geographic region exposes me to the aforementioned disease, or other factors exist that could put me at imminent risk of disease.

4. While this request is pending, I request a temporary exemption from the COVID-19 vaccination requirement in accordance with Paragraph 3.1 of reference (a).

5. I have not previously received a waiver from any mandated vaccinations. However, I believe God, through the Holy Spirit, has given me overwhelming discernment and commands I do not receive any vaccination in response to COVID-19 as any of these vaccines will indoctrinate me into the beast system and will ultimately prevent my soul salvation. It is my sincere belief that the vaccines in response to COVID-19 are unlike any other vaccine because they are an integral part of the beast system that God commands I do not partake in. The way and function of our current world, both external to and included COVID-19 response, are direct correlations to the warnings to God's Word in the book of Revelations. The available COVID-19 vaccines have also used aborted fetal cells throughout production and/or testing which is against the Word of God and does not give Him Glory. Additionally, majority of the available vaccines in response to COVID-19 use an entirely different mechanism of action than any other administered vaccine

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE
ICO LT ANNMARIE ACEVEDO

by way of mRNA. Although the J&J vaccine maintains attenuated virus as its mechanism of action, the typical mechanism used by other administered vaccines, I believe it has still been developed as part of the overly present beast system and used aborted fetal cells in testing. I strongly believe that it is God's will that I remain a good steward of this temple of the Holy Spirit and obey His word to reject the beast system; the system I believe our present world is embracing.

6. I can think of no alternative mean to adhere to the tenets of my faith and also be administered the Pfizer, or any other, COVID-19 vaccine. Of note, the mandate was promulgated within the 90-day window of executing my PCS orders, however, my current command will be my ultimate duty station at the completion of my schooling. Thank you for your consideration of my request.



A. L. ACEVEDO

Enclosure (1)

09 September 2021

From: Lieutenant Annmarie L. Acevedo, 1110, USN

To: Commander Corey D. Odom, Commanding Officer, USS GRAVELY (DDG 107)

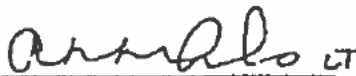
Subj: STATEMENT IN RESPONSE TO NAVPERS 1070/613 COVID-19 VACCINATION
ADMINISTRATIVE COUNSELING/WARNING ICO LT ANNMARIE ACEVEDO

1. This statement addresses the last acknowledgement in paragraph 5 of the NAVPERS 1070/613 that indicates intention to seek an exemption and this statement clarifies the intent and understanding behind the second sentence stating, "My exemption request will be submitted within 10 days of this date." I requested clarification on this statement because a servicemember would not be able to commit to a specified timeline in submitting a package that contains required interview(s) and endorsements/letters from outside entities.

2. On 02 September 2021, the Command Master Chief, USS GRAVELY (DDG 107), called me to provide and explain the below intention and requirements of the COVID-19 NAVPERS 1070/613. It is now my understanding that the language in the last acknowledgement in paragraph 5 of the NAVPERS 1070/613 was intended, by the originators, to provide a timeline (10 days) for which servicemembers must submit a notification of intent to seek an exemption (verbal, written, or otherwise) to the Chain of Command and/or begin the exemption process. The statement of acknowledgement does not mean, and therefore does not enforce, that the servicemember must submit the completed 'request for exemption package' for final review, endorsement, and decision within 10 days of the date of the administrative counseling.

3. On 31 August 2021, I notified the Executive Officer, USS GRAVELY (DDG 107), of my intention to submit a request for religious exemption from receiving the COVID-19 vaccine once policy guidance was promulgated and requested his assistance in obtaining the relevant procedures and associated documentation for submitting the exemption. At the time of our conversation, the process for submitting an exemption for this vaccine was unknown to both parties which was the basis for my request for assistance. NAVADMIN 190/21 was released and promulgated on 02 September 2021 which prompted this administrative counseling given that I was not in a "pending exemption status" at the time of release of the NAVADMIN.

4. Given the clarification to the last statement of acknowledgement in paragraph 5 by the Command Master Chief, my notification to the Executive Officer on 31 August 2021 satisfies the notification requirements of this administrative counseling. Additionally, I conducted my required interview with a Chaplain in accordance with BUPERSINST 1730.11A on 03 September 2021, thus beginning the exemption process.



Annmarie L. Acevedo
LT USN

Enclosure (4)

07 Sep 2021

From: LCDR K. Madison Carter, CHC, USN, DESRON Two Eight Squadron Chaplain
To: Commanding Officer, USS GRAVELY (DDG 107)

Subj: REQUEST FOR A WAIVER OF POLICY TO ACCOMMODATE PRACTICE
BASED ON RELIGIOUS BELIEF ICO LT ANNMARIE ACEVEDO

Ref: (a) SECNAVINST 1730.8B CH-1
(b) SECNAVINST 1730.9A
(c) BUPERSINST 1730.11A

1. LT Annmarie Acevedo has submitted a request for accommodation of a religious practice per reference (a). Per reference (c), I interviewed the requestor on 03 Sep 2021. I explained that this interview would not be a confidential communication as defined by reference (b) and informed the requestor that referral for confidential chaplain support was available.

2. LT Acevedo is requesting a religious accommodation from Navy policy for the mandatory COVID 19 vaccination. LT Acevedo has never received a religious accommodation for this vaccine or any other vaccination.

3. LT Acevedo is a Christian. Her NAVPERS 1070/602 (Page 2) lists her Christian faith.

4. LT Acevedo is willing to pursue other means of preventing the spread of the virus to include maintaining a mask. She does not want a substance injected into her body.

5. During my interview with LT Annmarie Acevedo (Ref. C), she clearly stated her firm beliefs. She is actively practicing her religious faith and continues to live by the tenants of her faith. LT Acevedo dedicated her life to Christ several years ago and works each day to get closer and closer to God. She believes taking this vaccination would be a sin against God and preclude her from maintaining her soul salvation. She does not believe she should be forced to contradict her beliefs and her faith to take the COVID vaccination. I believe LT Acevedo's request to be sincere and consistent with his religious faith.

6. My contact information is 443.481.9033 or via e-mail at keith.m.carter5.mil@us.navy.mil (ashore) / keith.m.carter@cvn75.navy.mil (afloat).



K. M. CARTER

Copy to:
LT Annmarie Acevedo

Enclosure (2)

CHAPLAIN INTERVIEW CHECKLIST TEMPLATE

Requestor: ANNMARIE ACEVEDO			Interview Date: 3 SEP 2021		
Name: ANNMARIE ACEVEDO			Chaplain Interviewer: LCDR K. MADISON CARTER		
Phone: 819-788-1031			Phone: 443-481-8033		
Email: ANNMARIE.LACEVEDO@GMAIL.COM			E-mail: KEITH.M.CARTER@US.NAVY.MIL		
Command: USS GRAVELY DDG 107			Chaplain's Command: DESRON 28		
Interview Preliminaries					
Yes	No	N/A			
X			Chaplain reviewed policy and doctrine on religious accommodation and the policy for which the requestor is seeking accommodation.		
X			Applicant was notified that the interview is not confidential and will be used to advise the command.		
X			Chaplain explained to the applicant that confidential support can be received from another chaplain.		
	X		Applicant has been granted a waiver for this practice previously.		
X			Applicant's Page 2 (NAVRBRS 1070/602) reflects the belief cited in the application.		
Type of Waiver Requested					
Yes	No	N/A			
			Uniform standards		
			Grooming standards		
X			Identification requirements		
			DNA sampling		
			Other (Please describe):		
Interview					
Yes	No	N/A			
			Requestor's religious beliefs seemed honestly and sincerely held using one or more of the following factors:		
X			1. Requestor was credible (consistently keeps tenets, practices, etc.).		
X			2. Requestor's demeanor and pattern of conduct are consistent with the request.		
X			3. Requestor participates in activities associated with the belief(s).		
	X		4. Other persons supporting the claim are credible.		
	X		5. Request is supported by letter(s) of verification or endorsement from an organization espousing the beliefs which are the basis for the claim.		
X			Alternate means of accommodating the practice were explored in the interview.		
Process Checklist					
Yes	No	N/A			
X			Chaplain has prepared a memorandum documenting the interview.		
X			Chaplain reviewed memorandum with applicant and provided a copy.		
X			Chaplain submitted the memorandum and this document to the commanding officer via chain of command.		
X			Chaplain referred applicant to command to process request.		

ADMINISTRATIVE REMARKS

NAVPER8 1070/613 (REV. 08-2012) PREVIOUS EDITIONS ARE OBSOLETE

SUPPORTING DIRECTIVE MILPERSMAN 1070-320

SHIP OR STATION:

USS GRAVELY (DDG 107)

SUBJECT:

COVID-19 Vaccination Administrative Counseling/Warning

☒ PERMANENT☐ TEMPORARY

AUTHORITY IF PERMANENT:

BUMEDINST 6230.15B, ALNAV 062/21, NAVADMIN 190/21

1. On 30 Aug 2021 all U.S. service members were mandated to be vaccinated against COVID-19. Your current medical records indicate that you have not been vaccinated against COVID-19.

2. The following information is provided for your consideration:

- Your health and safety are the Navy's number one concern.
- The COVID-19 vaccines are safe and effective.
- The threat from COVID-19 is deadly and real.
- Vaccination has proven to be the most effective defense against serious illness caused by COVID-19.
- Healthcare providers are available to discuss your medically related objections/concerns with the COVID-19 vaccines.
- DoD will administer COVID-19 vaccinations consistent with FDA approved dosing schedules and current standards of medical practice.
- Administration of the COVID-19 vaccine is in the interest of national security and protection of the force. Receiving the vaccine helps protect your family and dependents as well as fellow Sailors and Marines and associated DoD civilians.

3. Unless medically or administratively exempt, any refusal to be vaccinated may constitute a Failure to Obey a Lawful Order and may be punishable under the Uniform Code of Military Justice (UCMJ) and/or administrative action for Failure to Obey a Lawful Order (UMCJ, Article 92).

4. The following corrective action is required:

Within 90 days (28 Nov 2021), you will complete receipt of the COVID-19 vaccination using an FDA approved vaccine or, optionally and alternatively, a vaccine authorized under an Emergency Use Authorization. Of note, the Pfizer-BioNTech COVID-19 Vaccine, now marketed as Cominarty, is a two-shot series. Proof of vaccination is required and must be entered into your medical record.

5. Member must initial all that apply below:

RA I acknowledge the above counseling/warning and understand its contents.

RA I have been informed of my right to submit a statement in response to this counseling/warning (initial one below).

RA I intend to submit a statement. I will submit my statement within 10 days of this date.

RA I do not intend to submit a statement.

RA I intend to seek an exemption as indicated in para. 3 above. My exemption request will be submitted within 10 days of this date.

Commanding Officer

Member's Signature Date/Signed

Witness Signature Date/Signed

ENTERED AND VERIFIED IN ELECTRONIC SERVICE RECORD:

VERIFYING OFFICIAL RANK OR GRADE/TITLE:

DATE:

SIGNATURE OF VERIFYING OFFICIAL:

NAME (LAST, FIRST, MIDDLE):

ACEVEDO, ANNMARIE, LYNN

SOCIAL SECURITY NUMBER:

337-86-1222

BRANCH AND CLASS:

USN

FOR OFFICIAL USE ONLY
PRIVACY SENSITIVE

Enclosure (3)



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

1730
Ser N1/114255
6 Oct 21

From: Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (N1)
To: LT Annmarie L. Acevedo, USN
Via: Commanding Officer, USS GRAVELY (DDG 107)

Subj: REQUEST FOR RELIGIOUS ACCOMMODATION THROUGH WAIVER OF
IMMUNIZATION REQUIREMENTS

Ref: (a) 42 U.S.C. §2000bb-1
(b) DoD Instruction 1300.17 of 1 September 2020
(c) SECNAVINST 1730.8B
(d) ASN (M&RA) memo of 6 Jun 13
(e) MILPERSMAN 1730-020
(f) United States Attorney General memo of 6 Oct 17
(g) Your ltr of 8 Sep 21
(h) BUMED ltr 6320 Ser M44/21UM40193 of 27 Sep 21

1. Pursuant to references (a) through (h), your request for religious accommodation through waiver of immunization requirements is disapproved. You must receive all required vaccines. However, you are free to request from your healthcare provider alternative vaccines that are available and meet the Navy's immunization requirements, as determined by a credentialed military healthcare provider.
2. In line with references (b) through (d), I am designated as the approval authority for requests for religious accommodation.
3. Reference (a), the Religious Freedom Restoration Act (RFRA), states that the Government may substantially burden an individual's exercise of religion only if it demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. Reference (b) incorporates the RFRA and notes that the Government has a compelling interest in mission accomplishment, to include military readiness, unit cohesion, good order and discipline, health and safety, on both individual and unit levels. Additionally, unless it will have an adverse impact on mission accomplishment, including military readiness, unit cohesion and good order and discipline, the Navy will accommodate individual expressions of sincerely held beliefs of Sailors. Reference (f) emphasizes that only those interests of the highest order can overbalance legitimate claims to the free exercise of religion.

Subj: REQUEST FOR RELIGIOUS ACCOMMODATION THROUGH WAIVER OF
IMMUNIZATION REQUIREMENTS

4. All requests for accommodation of religious practices are assessed on a case-by-case basis. In line with references (b) and (c), determination of a request for religious accommodation requires consideration of the following factors:

- a. Impact on military readiness, unit cohesion, good order and discipline, health and safety
- b. Religious importance of the request
- c. Cumulative impact of repeatedly granting similar requests
- d. Whether there are alternatives available to meet the requested accommodation and
- e. How other such requests have been treated

5. In making this decision, I reviewed reference (g), including the endorsements from your chain of command, the local chaplain and the advice of Chief, Bureau of Medicine and Surgery in reference (h).

a. A waiver of immunizations would have a predictable and detrimental effect on your readiness and the readiness of the Sailors who serve alongside you in both operational and non-operational (including training) environments. Primary prevention of disease through immunizations has been a key enabler for maintaining force health and avoiding disease-related non-battle injury. Granting your request will have a direct and foreseeable negative impact on the compelling Government interests of military readiness and health of the force.

b. While serving in the U.S. Navy, you will inevitably be expected to live and work in close proximity with your shipmates. I find that disapproval of your request for a waiver of immunization requirements is the least restrictive means available to preserve the Department of Defense's compelling interest in military readiness, mission accomplishment and the health and safety of military Service Members.

6. The Navy is a specialized community governed by a discipline separate from that of the rest of society. While every Sailor is welcome to express a religion of choice or none at all, our greater mission sometimes requires reasonable restrictions. You have my sincere best wishes for your continued success in your Navy career.



JOHN B. NOWELL, JR

Copy to:
OPNAV (N131, N0975)
BUMED



DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
7700 ARLINGTON BOULEVARD
FALLS CHURCH VA 22042

IN REPLY REFER TO
6320
Ser M44/21UM40193
27 Sep 21

From: Chief, Bureau of Medicine and Surgery
To: Deputy Chief of Naval Operations (Manpower, Personnel, Training, and Education) (N1)

Subj: REQUEST FOR RELIGIOUS ACCOMMODATION THROUGH WAIVER OF
IMMUNIZATION REQUIREMENTS ICO LT ANNMARIE L. ACEVEDO, USN

Ref: (a) LT Acevedo's Waiver Request of 8 Sep 21
(b) BUMED Memo, Diseases Targeted with Mandatory Vaccinations for U.S.
Navy Active Duty and Reserve Personnel of 22 Sep 21
(c) BUMED INST 6230.15B, Immunizations and Chemoprophylaxis for the Prevention
of Infectious Diseases, 7 Oct 2013
(d) SECNAVINST 1730.8B CH-1

1. Subject matter experts at the Bureau of Medicine and Surgery have reviewed reference (a). Per reference (a), LT Acevedo objects to receiving Coronavirus Disease 2019 (COVID-19) immunizations based on her religious beliefs.
2. All vaccines required for maintenance of individual medical readiness and vaccines required for specific overseas deployments meet the safety requirements of the U.S. Food and Drug Administration (FDA), and have demonstrated effectiveness in disease prevention.
3. Per reference (c), Active Duty and Reserve Component personnel will receive or be up-to-date on adult routine vaccinations. Details of required vaccinations are outlined in this instruction and are available at www.health.mil/vaccines.
4. A waiver of COVID-19 immunization requirements would have detrimental effects on the readiness of both LT Acevedo and Service members who serve alongside LT Acevedo. Primary prevention of disease through immunizations is a key enabler for maintaining force health protection and avoiding disease-related non-battle injury, and has been the cornerstone of these efforts for decades. Recent outbreaks of contagious viral diseases aboard Navy ships highlight the operational impact of low levels of immunity. Diseases such as COVID-19 are highly contagious and can rapidly degrade individual and unit readiness. In the current COVID-19 pandemic, the outbreak aboard the *USS THEODORE ROOSEVELT* in March 2020, resulted in 71 days of unavailability for a forward deployed aircraft carrier. There was an infection rate of more than 26% of the crew as confirmed by laboratory testing within 5 weeks of the initial positive case (including four hospitalizations and one death, according to data published in Journal of The American Medical Association 11 November 2020). This outbreak resulted in crew-wide quarantine, isolation, and repeated testing, and highlights the importance of vaccination to both individual and unit force health protection. Additional information on the potential impacts of COVID-19 and other vaccine-preventable diseases is provided in reference (b).

Subj: RELIGIOUS ACCOMMODATION REQUEST THROUGH WAIVER OF
IMMUNIZATION REQUIREMENTS ICO LT ANNMARIE L. ACEVEDO, USN

5. The scientific and medical communities believe that SARS-CoV-2 will likely remain in global circulation as an endemic virus and a threat to the Force. The emergence of the SARS-CoV-2 Delta variant shows that while some vaccinated personnel may transmit the virus, they are largely protected against severe illness and death. Unvaccinated individuals remain at risk for developing COVID-19 and propagating new variants that may adversely impact the readiness of the Force.

6. Vaccination remains the most effective means to prevent COVID-19 (as well as influenza, pertussis, diphtheria, tetanus, and other diseases). Optimally, vaccination should be coupled with other countermeasures to minimize risk of infections to the Sailor's health, co-workers' health, and to Navy's mission. In large phase III trials, the FDA-approved COVID-19 vaccine demonstrated over 94% efficacy in preventing symptomatic COVID-19. For the same vaccine, against the Delta variant in a real world setting, studies show 88% effectiveness against symptomatic disease, to include hospitalization and death. Additional information on the efficacy of the COVID-19 vaccine is provided in reference (b).

7. Per reference (d), the religious objection of the Service member must be balanced against the medical risk to the Service member and their military unit. The Department of Defense has a compelling interest in mission accomplishment and safeguarding the health of military Service members. In this case, the medical risks of not receiving the COVID-19 vaccine outweigh the religious objection that LT Acevedo has stated in reference (a).

8. A waiver of required COVID-19 immunizations is not recommended due to the aforementioned reasons.

9. My point of contact is *****, MC, USN, Preventive Medicine, who can be reached at *****

Deputy Chief
Business Operations

LII > U.S. Code > Title 42. THE PUBLIC HEALTH AND WELFARE

> Chapter 21B. RELIGIOUS FREEDOM RESTORATION

> **Section 2000bb–1. Free exercise of religion protected**

42 U.S. Code § 2000bb–1. Free exercise of religion protected

U.S. Code Notes

(a) IN GENERAL

Government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, except as provided in subsection (b).

(b) EXCEPTION Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) JUDICIAL RELIEF

A person whose religious exercise has been burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

(Pub. L. 103-141, § 3, Nov. 16, 1993, 107 Stat. 1488.)

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DoD INSTRUCTION 1300.17

RELIGIOUS LIBERTY IN THE MILITARY SERVICES

Originating Component:	Office of the Under Secretary of Defense for Personnel and Readiness
Effective:	September 1, 2020
Releasability:	Cleared for public release. Available on the Directives Division Website at https://www.esd.whs.mil/DD/ .
Reissues and Cancels:	DoD Instruction 1300.17, "Accommodation of Religious Practices Within the Military Services," February 10, 2009, as amended
Incorporates and Cancels:	Assistant Secretary of Defense for Force Management Policy Memorandum, "Sacramental Use of Peyote by Native American Service Members," April 25, 1997
Approved by:	Matthew P. Donovan, Under Secretary of Defense for Personnel and Readiness

Purpose: In accordance with the authority in DoD Directive 5124.02, this issuance:

- Establishes DoD policy in furtherance of the Free Exercise Clause of the First Amendment to the Constitution of the United States, recognizing that Service members have the right to observe the tenets of their religion, or to observe no religion at all.
- Establishes policy, assigns responsibilities, and provides procedures for the accommodation of religious practices of Service members.
- Establishes DoD policy on the accommodation of individual expressions of sincerely held beliefs (conscience, moral principles, or religious beliefs), which do not have an adverse impact on military readiness, unit cohesion, good order and discipline, or health and safety.
- Establishes DoD policy providing that an expression of sincerely held beliefs (conscience, moral principles, or religious beliefs) may not, in so far as practicable, be used as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.
- Implements requirements in Section 2000bb-1 of Title 42, United States Code (U.S.C), also known as "The Religious Freedom Restoration Act" (RFRA), and other laws applicable to the accommodation

of religious practices for DoD to provide, in accordance with the RFRA, that DoD Components will normally accommodate practices of a Service member based on a sincerely held religious belief.

- Requires DoD Components to oversee the development and provision of education and training on the policies and procedures pertaining to the accommodation of religious practices of Service members to commanders, judge advocates, chaplains, recruiters, and other personnel as deemed appropriate by the Military Department or Military Service concerned.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

a. This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

b. The definitions, policies, procedures, and assignments of responsibility prescribed in this issuance apply only to the accommodation of religious practices of Service members and in no other context.

1.2. POLICY.

a. Pursuant to the Free Exercise Clause of the First Amendment to the United States Constitution, Service members have the right to observe the tenets of their religion or to observe no religion at all, as provided in this issuance.

b. In accordance with Section 533(a)(1) of Public Law 112-239, as amended, the DoD Components will accommodate individual expressions of sincerely held beliefs (conscience, moral principles, or religious beliefs) which do not have an adverse impact on military readiness, unit cohesion, good order and discipline, or health and safety. A Service member’s expression of such beliefs may not, in so far as practicable, be used as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.

c. In accordance with Section 533(b) of Public Law 112-239, as implemented by DoD Instruction 1304.28, no Service member may require a chaplain to perform any rite, ritual, or ceremony that is contrary to the conscience, moral principles, or religious beliefs of the chaplain, nor may any Service member discriminate or take any adverse personnel action on the basis of the refusal by the chaplain to comply with such requirements. This does not preclude disciplinary or administrative action for conduct by a Service member that is proscribed by Chapter 47 of Title 10, U.S.C. (the Uniform Code of Military Justice), including actions and speech that threaten good order and discipline.

d. Requests for religious accommodation will be analyzed under the standard in Paragraph 1.2.e. of this issuance using the process in Section 3 of this issuance. Accommodation of practices reflecting a Service member’s sincerely held conscience or moral principles will be governed by the policies of the DoD Component concerned.

e. DoD Components have a compelling governmental interest in mission accomplishment at the individual, unit, and organizational levels, including such necessary elements of mission accomplishment as military readiness, unit cohesion, good order and discipline, and health and safety. In accordance with RFRA and the guidance in this issuance, DoD Components will normally accommodate practices of a Service member based on sincerely held religious belief.

Accommodation includes excusing a Service member from an otherwise applicable military policy, practice, or duty. In accordance with RFRA, if such a military policy, practice or duty substantially burdens a Service member's exercise of religion, accommodation can only be denied if:

- (1) The military policy, practice, or duty is in furtherance of a compelling governmental interest.
- (2) It is the least restrictive means of furthering that compelling governmental interest.

In applying the standard in Paragraphs 1.2.e.(1) and 1.2.e.(2), the burden of proof is placed upon the DoD Component, not the individual requesting the exemption.

f. Requests for the accommodation of religious practices will be reviewed and acted on as soon as possible, in accordance with this issuance and any DoD Component implementing guidance.

g. In accordance with provisions in Paragraphs 1.2.e and 1.2.f of this issuance, immediate commanders may resolve requests for accommodation of religious practices that do not require a waiver of DoD Component policies regarding the wearing of military uniforms, the wearing of religious apparel, or Service grooming, appearance, or body art standards.

SECTION 2: RESPONSIBILITIES

2.1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS (ASD(M&RA)).

Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, the ASD(M&RA):

- a. Is responsible for the administration of this issuance and for oversight of the implementation of the policies and procedures it establishes. Issues guidance to the DoD Components, as necessary, concerning the accommodation of religious practices and the implementation of the policies in this issuance.
- b. Acts on Military Department requests regarding limitations on the use, possession, or transportation of peyote cactus for religious practices, in addition to those already listed in Paragraph 3.4. of this issuance, in accordance with Paragraph 3.4.a.(4) of this issuance.

2.2. DOD COMPONENT HEADS OTHER THAN THE SECRETARIES OF THE MILITARY DEPARTMENTS.

The DoD Component heads other than the Secretaries of the Military Departments:

- a. Ensure that requests for the accommodation of religious practices are processed or forwarded for review and action in accordance with this issuance and the implementing regulations and policies of the Military Department and Military Service to which the Service member belongs.
- b. Establish component regulations and policies to address the Service member's sincerely held conscience or moral principles in accordance with Paragraph 1.2.d. of this issuance.

2.3. SECRETARIES OF THE MILITARY DEPARTMENTS.

The Secretaries of the Military Departments:

- a. Adhere to all provisions of this issuance.
- b. Administer their respective programs and update existing regulations and policies, or develop and distribute new guidance, as appropriate, to implement the provisions of this issuance. Implementing issuances will, consistent with this issuance:
 - (1) Establish controls to ensure compliance with established procedures and processing timelines applicable to accommodation requests.
 - (2) Designate appropriate agency officials to review and act on the following:

(a) Requests for the accommodation of religious practices.

(b) Requests for an exemption to an otherwise applicable Military Department or Military Service policy in support of the requesting Service member's exercise of religion or furtherance of religious practices, including, but not limited to, requests pertaining to:

1. Religious apparel, including religious body art.

2. Grooming.

3. Medical practices, including DNA (deoxyribonucleic acid) specimen sampling and immunizations.

(c) Requests from a Service member's command to rescind a previously granted accommodation.

(3) Ensure, to the greatest extent practical, the consistent application of the policies and procedures prescribed by this issuance to similarly situated requests for the accommodation of religious practices throughout their respective Military Departments.

(4) Develop and implement a standards-based approach to the review of, and final action on, requests for the accommodation of religious practices to promote predictable outcomes for the same or similar requests. Such standards will be evidence-based and address commonly requested accommodations. The Military Departments and Military Services will issue or update applicable regulations and policies to authorize officers or officials at the lowest appropriate level of command or supervision to review and take final action on requests for accommodations covered by such standards, in accordance with this issuance. The absence of a standards-based approach to a requested accommodation will not, standing alone, serve as the basis for denying the request. Such a standards-based approach may include:

(a) A list of accommodations of religious practices that may, in ordinary circumstances, be granted to a member serving in a particular military occupational specialty, rating, specialty code, or duty assignment.

(b) Specific guidance on factors to be considered in making individual determinations with regard to a commonly requested or other accommodation of religious practices. Such factors may include those enumerated in Paragraph 3.2.d. of this issuance.

(c). Provide information about the policies and procedures governing the accommodation of religious practices and religious expression to prospective Service members, in accordance with Paragraph 3.2.i. of this issuance.

(d) Request, as appropriate, approval from the ASD(M&RA) regarding limitations on the use, possession, or transportation of peyote cactus for religious practices, in addition to those already listed in Paragraph 3.4. of this issuance, in accordance with Paragraph 3.4.a.(4) of this issuance.

(5) Oversee the development and provision of education and training on the policies and procedures pertaining to the accommodation of religious practices of Service members to:

- (a) Commanders.
- (b) Judge advocates.
- (c) Chaplains.
- (d) Recruiters.
- (e) Other personnel as deemed appropriate by the Military Department or Military Service concerned.

SECTION 3: PROCESSING ACCOMMODATION REQUESTS

3.1. ACCOMMODATION REQUESTS.

a. Service members submitting a request for accommodation will continue to comply with the policy, practice, or duty from which an accommodation has been requested unless and until informed that the request has been approved by the appropriate authority. Exceptions to this requirement may only be granted in exceptional circumstances, in accordance with the implementing regulations and policies promulgated by the Military Department and Military Service concerned.

b. Requests for accommodation submitted by a cadet or midshipman enrolled at a Military Service Academy or in a Senior Reserve Officers' Training Corps program will be addressed in accordance with this issuance and the implementing regulations and policies promulgated by the Military Department and Military Service concerned.

c. Nothing in this issuance precludes disciplinary or administrative action for conduct by a Service member that is prohibited by Chapter 47 of Title 10, U.S.C., also known as "The Uniform Code of Military Justice."

3.2. REVIEW OF AND ACTION ON REQUESTS FOR THE ACCOMMODATION OF RELIGIOUS PRACTICES.

a. Adjudication Authority.

Requests for the accommodation of religious practices that can be approved consistent with Military Department and Military Service regulations or policies, (e.g., current uniform and grooming standards) will be reviewed and acted on at the lowest appropriate level of command or supervision, as provided in the regulations and policies of the Military Department and Military Service concerned and in accordance with this issuance. Requests for the accommodation of religious practices that require the waiver of otherwise applicable Military Department and Military Service regulations and policies will be forwarded to the Secretary of the Military Department concerned. Records concerning requests for accommodations will be maintained in accordance with DoD Instruction 5400.11.

b. Delegation.

The Secretary of a Military Department may delegate, in writing, the authority to act on requests for the accommodation of religious practices that require the waiver of otherwise applicable Military Department and Military Service regulations and policies only as described in Paragraph 3.2.b.(1) through 3.2.b.(3).

(1) Department of the Army.

Delegation may be no lower than the Deputy Chief of Staff, G-1.

(2) Department of the Navy.

Delegation may be no lower than the Chief of Naval Personnel, or the Deputy Commandant of the Marine Corps for Manpower and Reserve Affairs, as appropriate.

(3) Department of the Air Force.

Delegation may be no lower than the Air Force Deputy Chief of Staff for Manpower, Personnel, and Services, or the Deputy Chief of Space Operations for Personnel and Logistics Services, as appropriate.

c. Review and Action Timelines.

Requests for the accommodation of religious practices will be reviewed and acted on as soon as practicable, and no later than the timelines provided in Table 1. Exceptions to this review and action timeline may be granted only in exceptional circumstances, as determined by the regulations and policies of the Military Department and Military Service concerned.

Table 1. Review and Action Timeline for Processing Accommodation Requests

Action to be Taken	For Requests Within the United States	For Requests Outside the United States or for Reserve Component Service Members Not on Active Duty
Action on Requests for Religious Accommodation that Can Be Approved Consistent with Existing Military Department or Military Service Regulations or Policies		
Review and final action completed and written notification to requesting Service member provided	No later than 30 business days from Service member submission	No later than 60 days from Service member submission
Action on Requests for Religious Accommodation that Require the Waiver of Otherwise Applicable Military Department or Military Service Regulations or Policies		
Written request for accommodation received by the Office of the Secretary concerned ¹	No later than 30 days from Service member submission to commander or supervisor	No later than 60 days from Service member submission to commander or supervisor
Review and final action completed and written notification to requesting Service member provided	No later than 60 days from receipt by the Office of the Secretary concerned. ¹ Must be provided to the Service member within 5 days of final action	
¹ Unless authority is delegated to a subordinate official in accordance with Paragraph 3 2 b of this issuance		

d. Factors for Consideration.

Officials charged with making recommendations or taking final action on a Service member's request for the accommodation of religious practices will review each request

individually, considering the full range of facts and circumstances relevant to the specific request. Factors to consider include:

(1) The compelling governmental interest in mission accomplishment, including military readiness, unit cohesion, good order and discipline, or health and safety.

(2) Alternate means available to address the requested accommodation. The means that is least restrictive to the requestor's religious practice and that does not impede a compelling governmental interest will be determinative.

e. Notice of Resolution.

A Service member will be promptly informed of the approval or disapproval of his or her request for accommodation in accordance with Table 1.

(1) A Service member's request for the accommodation of religious practices may be granted in whole or in part. The Service member will be informed in writing of any conditions or limitations placed on the grant that are necessary to meet the DoD's compelling governmental interest in mission accomplishment, such as, for example, conditions related to:

(a) Deployment;

(b) Health and safety issues relative to particular assignments or types of assignments; or

(c) Training events or ceremonial occasions that require a Service member to conform to military standards to protect health and safety, or maintain good order and discipline.

(2) A Service member whose request is granted in part will be informed, in writing, of the specific elements of that approval.

f. Administrative Appeal Process.

The regulations and policies of a Military Department or Military Service implementing this issuance will provide a process for Service members to appeal the denial of a request for accommodation of religious practices, or any condition on such accommodation. Appeals will be sent to an official in the chain of command or chain of supervision above the officer or official who took final action on the request. No further administrative appeal will be available for a decision made by the Secretary of the Military Department.

g. Accommodation Duration and Proposals to Rescind a Granted Accommodation.

An approved request for accommodation will remain in effect during follow-on duties, assignments, or locations, and for the duration of a Service member's military career, including after promotions, reenlistment or commissioning, unless and until rescinded in accordance with the requirements of this issuance.

(1) In accordance with this issuance and the implementing policies and regulations of the Military Department and Military Service concerned, an approved accommodation may be subject to review and rescission, in whole or in part, at any time, based upon a determination that the circumstances under which the grant of accommodation was approved have changed (e.g., deployment, new duties, or other material change in circumstances). The Military Department or Military Service concerned—not the individual Service member—bears the burden of initiating a proposal to review and rescind an accommodation previously granted.

(2) When a Military Department or Military Service initiates a proposal to review and rescind an accommodation previously granted, an appropriate officer or official will forward a written summary of the nature of the materially changed circumstances that require such review and repeal to the Service member concerned for comment.

(a) The Service member will be:

1. Allotted no fewer than 10 days to review and comment on the proposed rescission of the accommodation.

2. Afforded the opportunity to review and comment on any endorsements of this proposal from the chain of command.

3. Afforded, subject to security classification requirements, the opportunity to review and comment on any documents or attachments to the proposal or subsequent endorsements.

(b) Any comments submitted by the Service member will be forwarded for consideration by the appropriate official authorized to act on the matter, in accordance with this issuance.

(3) A proposal to review and rescind a previously approved accommodation must be acted on at a level of authority no lower than that at which the accommodation was granted, in accordance with this issuance and the regulations and policies of the Military Department and Military Service concerned implementing this issuance. The standard for repealing a previously granted accommodation, in whole or in part, is the same as the standard for denying a request for the accommodation of religious practices in the first place, and the same factors must be considered, as appropriate.

h. Accommodation Modification or Suspense Under Exigent Circumstances.

Under exigent circumstances and in furtherance of a compelling governmental interest due to operational necessity, when time is of the essence and no less restrictive means of religious accommodation are available, a commander at a level determined by the Military Department or Military Service concerned may temporarily modify or suspend accommodations granted, upon notice to the Service member concerned and without benefit of appeal. The level of this commander must be no lower than the officer exercising Summary Court-Martial Convening Authority over a Service member who has previously been granted an accommodation of religious practices.

(1) To the extent practicable, the commander concerned, if not a general officer or flag officer, or member of the senior executive service, will notify, in advance, the first general officer or flag officer, or member of the senior executive service, as appropriate, in the affected Service member's chain of command or supervision, of the commander's intent to modify or suspend a previously granted accommodation. When such advance notice is not practicable, the commander concerned will notify the appropriate general officer or flag officer, or member of the senior executive service, as appropriate, as soon as circumstances permit.

(2) The Service member concerned may be required to immediately comply with the modification or suspension of an accommodation, if circumstances so warrant.

(3) The modification or suspension of the accommodation will apply for only the minimum period required by the circumstances.

i. Pre-accession Procedures.

(1) Applicants to the Military Services will be informed of the policies and procedures for the accommodation of religious practices in accordance with this issuance, and as implemented by the Military Department or Military Service concerned. These applicants include individuals who apply for:

- (a) A commissioning program;
- (b) A warrant officer program;
- (c) Enlistment or entry in the Military Services;
- (d) Reenlistment (or reentry) in the Military Services;
- (e) Enrollment in a Military Service Academy or a Senior Reserve Officers' Training Corps program (including Military Service Academy preparatory schools); or
- (f) The award of a scholarship or other benefit that requires a commitment to serve as a Service member.

(2) The Military Departments and Military Services will develop processes for the review and action on pre-accession requests for the accommodation of religious practices and establish those processes in appropriate regulations and policies. Such processes must provide applicants the opportunity to submit a request for accommodation of religious practices, and receive a final decision on that request, before participation in the commissioning program, warrant officer program, enlistment, reenlistment, enrollment in a Military Service Academy or a Senior Reserve Officers' Training Corps program, or award of such scholarship or benefit. The review and processing of such requests must be consistent with this issuance.

3.3. REQUIRED PRINCIPLES AND RULES FOR MILITARY REGULATIONS AND POLICIES.

DoD Component regulations and policies must include the following principles and rules:

a. Worship practices, holy days, and Sabbath or similar religious observance requests will be accommodated to the extent possible, consistent with mission accomplishment and will normally not require a religious accommodation request.

b. A Service member's religious practices will be considered in acting on a request for separate rations. Accommodation requests for separate rations may be adjudicated at the command level.

c. A Service member's religious practices will be considered in acting on a request for exemption from required medical practices. Action on a request for medical exemption must be consistent with mission accomplishment, including consideration of potential medical risks to other persons comprising the unit or organization.

d. The following rules govern the wear of items of religious apparel:

(1) In accordance with Section 774 of Title 10, U.S.C., Service members may wear items of religious apparel while in uniform, except in circumstances in which wearing the item would interfere with the performance of the member's military duties or the item of apparel is not neat and conservative. The Military Departments and Military Services will prescribe regulations governing the wear of such items. Factors that may be considered in determining whether an item of religious apparel interferes with military duties include, but are not limited to, whether the item:

(a) Impairs the safe and effective operation of weapons, military equipment, or machinery.

(b) Poses a health or safety hazard to the Service member wearing the religious apparel or to others.

(c) Interferes with the wear or proper function of special or protective clothing or equipment (e.g., helmets, protective masks, wet suits).

(d) Otherwise impairs mission accomplishment.

(2) Religious items or articles not visible or apparent may be worn with the uniform, provided they do not interfere with the performance of the Service member's military duties, as described in Paragraph 3.3.d.(1) of this issuance, and do not interfere with the proper wear of any authorized article of the uniform.

(3) Under regulations and policies of the Military Department and Military Service concerned, religious headgear may be worn with the uniform whenever a military cap, hat, or other headgear is not prescribed. Religious headgear may also be worn underneath prescribed

military headgear, provided it does not interfere with the proper wear, function, or appearance of the headgear, as described in Paragraph 3.2.d.(1).

(4) Notwithstanding any other provision in this issuance, while conducting worship services and during the performance of rites and rituals associated with his or her religious faith, a chaplain may wear with the military uniform any required religious apparel or accouterments associated with the traditions or practices of his or her religious faith.

(5) In evaluating requests for the accommodation of religious practices related to body art, these factors will be among those considered:

(a) Whether the body art is neat and conservative.

(b) The location of the body art, including whether the body art is visible when the Service member is wearing the military uniform.

3.4. ADDITIONAL GUIDANCE REGARDING THE USE OF PEYOTE.

a. There are additional rules governing the use of peyote in religious practices. In accordance with Section 1996a of Title 42, U.S.C. (also known as the “American Indian Religious Freedom Act Amendments of 1994”), Service members who are members of Indian tribes as defined in that statute may use, possess, or transport the peyote cactus as a religious sacrament in connection with the bona fide practice of a traditional Indian religion, and will not be penalized or discriminated against on the basis of such use, possession, or transportation. Reasonable limitations on the use, possession, transportation, or distribution of peyote may be imposed to promote military readiness, promote safety, or comply with international law or laws of other countries. The Secretaries of the Military Departments will prescribe regulations authorizing the use, possession, or transportation of peyote cactus and imposing limitations on such use, possession, or transportation including, but not limited to, the following:

(1) Peyote will not be used on duty or within 24 hours before scheduled military duty.

(2) Peyote may be possessed in amulet form, not for ingestion, and such an amulet may be worn as an item of religious apparel subject to Military Service uniform regulations. Otherwise, peyote will not be used, possessed, distributed, or introduced aboard military vehicles, vessels, or aircraft or, except when permitted by the installation commander, on military installations.

(3) A Service member who has used peyote will promptly notify their commander upon return to duty after such use.

(a) The Secretary of the Military Department concerned may require pre-use notification by Service members performing designated duties when it is in the interest of military readiness or safety to notify commanders of a Service member’s intent to use peyote.

(b) Upon notification of use or intended use of peyote, the Service member will provide documentation verifying membership in an Indian tribe as defined by Section 1996a(c)(2) of Title 42, U.S.C.

(4) The establishment by the Secretary of a Military Department of limitations on the use, possession, or transportation of peyote cactus, in addition to those already listed in Paragraph 3.4. of this issuance, must be consistent with RFRA, the Free Exercise Clause of the First Amendment to the Constitution of the United States, any other applicable statutes such as the American Indian Religious Freedom Act Amendments of 1994, and this issuance. Any such additional limitations must be approved, in advance, by the ASD(M&RA). Before approving any additional limitation proposed by the Secretary of a Military Department, the ASD(M&RA) will consult with representatives of traditional Indian religions for which the sacramental use of peyote is integral to their practice, pursuant to Section 1996a(b)(7) of Title 42, U.S.C.

b. Requests by Service members for the accommodation of a religious practice involving the use, possession, or transportation of any substance other than peyote, the use, possession, transportation, manufacturing, or distribution of which is prohibited by law or policy, will be forwarded to the Secretary of the Military Department concerned for resolution. Before taking final action on any such accommodation request, the Secretary of the Military Department concerned will notify the ASD(M&RA).

GLOSSARY

G.1. ACRONYMS.

ACRONYM	MEANING
ASD(M&RA)	Assistant Secretary of Defense for Manpower and Reserve Affairs
RFRA	Religious Freedom Restoration Act
U.S.C.	United States Code

G.2. DEFINITIONS.

These terms and their definitions are for the purpose of this issuance.

TERM	DEFINITION
compelling government interest	In the DoD, a military requirement that is essential to accomplishment of the military mission. In accordance with Paragraph 1.2.e. of this issuance, DoD Components have a compelling governmental interest in mission accomplishment at the individual, unit, and organizational levels, including such necessary elements of mission accomplishment as military readiness, unit cohesion, good order and discipline, and health and safety.
neat and conservative	<p>In the context of the wear of a military uniform, items of religious apparel that:</p> <p>Are discreet, tidy, and not dissonant or showy in style, size, design, brightness, or color.</p> <p>Do not replace or interfere with the proper wear of any authorized article of the uniform.</p> <p>Are not temporarily or permanently affixed or appended to any authorized article of the uniform.</p>
pre-accession	The period of time before a prospective Service member's participation in a commissioning program, warrant officer program, enlistment (or entry), reenlistment (or reentry), or enrollment in a Military Service Academy or a Senior Reserve Officers' Training Corps program.

TERM	DEFINITION
religious apparel	Articles of clothing, jewelry or other such accoutrements the wearing of which is part of the observance of the religious faith practiced by the Service member.
religious body art	Temporary or permanent tattoos, piercings through the skin or body parts, or other modifications to the body that are a part of a Service member's religious practice.
religious practice	An action, behavior, or course of conduct constituting individual expressions of religious beliefs, whether or not compelled by, or central to, the religion concerned.
substantial burden	<p>A governmental act is a substantial burden to a Service member's exercise of religion if it:</p> <ul style="list-style-type: none">Requires participation in an activity prohibited by a sincerely held religious belief;Prevents participation in conduct motivated by a sincerely held religious belief; orPlaces substantial pressure on a Service member to engage in conduct contrary to a sincerely held religious belief.

REFERENCES

DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008

DoD Instruction 1304.28, “Guidance for the Appointment of Chaplains for the Military Departments,” June 11, 2004, as amended

DoD Instruction 5400.11, “DoD Privacy and Civil Liberties Programs,” January 29, 2019

Section 533 of Public Law 112-239, the “National Defense Authorization Act for Fiscal Year 2013,” December 18, 2012, as amended

United States Code, Title 10

United States Code, Title 42

United States Constitution



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

SECNAVINST 1730.8B CH-1
ASN (M&RA)/N097
28 March 2012

SECNAV INSTRUCTION 1730.8B CHANGE TRANSMITTAL 1

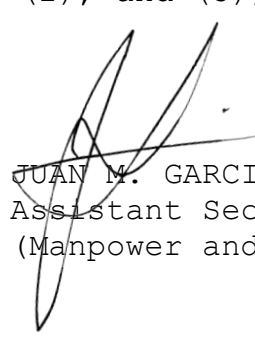
From: Secretary of the Navy

Subj: ACCOMMODATION OF RELIGIOUS PRACTICES

Encl: (1) Revised Page 3
(2) Revised Page 4
(3) Revised Page 8

1. Purpose. To transmit new pages 3, 4, and 8 of the basic instruction replacing obsolete language relative to dietary accommodation and clarifying the factors commanders consider when making determination to grant a request for religious accommodation thereby ensuring that commanders do not treat requests for religious accommodation as personal requests for general accommodation but afford such requests the proper consideration due their religious nature.

2. Action. Remove pages 3, 4, and 8 of the basic instruction and replace with enclosures (1), (2), and (3), respectively, of this change transmittal.


JUAN M. GARCIA III
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

Distribution:

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DEPARTMENT OF THE NAVY
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SECNAVINST 1730.8B
N097
02 October 2008

SECNAVINST 1730.8B

From: Secretary of the Navy

Subj: ACCOMMODATION OF RELIGIOUS PRACTICES

Ref: (a) DoD Directive 1300.17, of 3 Feb 88
(b) U.S. Navy Regulations, 1990
(c) DoD 7000.14-R, Vol. 7A, of Feb 02
(d) DoD Directive 5154.24, of 3 Oct 01
(e) Title 10, United States Code

1. Purpose. To provide policy and guidance for the accommodation of religious practices within the Department of the Navy (DON) under reference (a). The DON recognizes that religion can be as integral to a person's identity as one's race or sex. The DON promotes a culture of diversity, tolerance, and excellence by making every effort to accommodate religious practices absent a compelling operational reason to the contrary. During a service member's career in the DON, he or she will be exposed to a wide variety of religious expressions from both chaplains and other service members. It is DON policy to foster mutual respect for diverse religious expressions, which includes accommodating as many of them as possible at the command level. Chaplains are the Navy's only trained professional religious accommodators. Assisted by religious program specialists, they provide for and facilitate the religious needs of authorized personnel. The Chaplain Corps' capabilities are critical to the commander's ability to successfully meet the requirement for the free exercise of religion set forth in the U.S. Constitution.

2. Cancellation. SECNAVINST 1730.8A.

3. Applicability. The policies and procedures in this instruction apply solely to the accommodation of religious practices within the DON and no other context.

4. Definitions

a. Department of the Navy. The DON, for purposes of this instruction, includes applicants for entry to, and members of, the Navy, Navy Reserve, Marine Corps, Marine Corps Reserve, as

well as midshipmen at the U.S. Naval Academy and in the Reserve Officer Training Corps, and officers and officer candidates in all officer accession programs.

b. Religious Observance. Religious observances include participating in worship services and following other doctrinal requirements on Sabbath and holy days.

c. Religious Dietary Observances. Religious dietary observances include doctrinal or traditional requirements on types of foodstuffs allowed or the means of food preparation.

d. Religious Apparel. Religious apparel is defined as articles of clothing worn as part of the doctrinal or traditional observance of the religious faith practiced by the service member. Hair and grooming practices required or observed by religious groups are not included within the meaning of religious apparel.

e. Religious Medical Practices. Religious medical practices include doctrinal or traditional objections to receiving immunizations and providing Deoxyribonucleic Acid (DNA) specimen samples.

5. Policy. DON policy is to accommodate the doctrinal or traditional observances of the religious faith practiced by individual members when these doctrines or observances will not have an adverse impact on military readiness, individual or unit readiness, unit cohesion, health, safety, discipline, or mission accomplishment.

a. Accommodation of a member's religious practices cannot be guaranteed at all times and is subject to military necessity. Determination of necessity rests entirely with the commanding officer.

b. The guidelines in this instruction shall be used in the exercise of command discretion concerning the accommodation of religious practices. Nothing in these guidelines, except as expressly provided herein, shall be interpreted to require a specific form of accommodation in individual circumstances.

c. All requests for accommodation that can be approved by the commanding officer shall be approved or denied, absent unusual circumstances, within 1 week of the date of request.

Requests that require approval from the headquarters level shall be approved or denied within 30 days of the date of request for cases arising in the United States, and within 60 days for all other cases. Exceptions to these deadlines shall be limited to unusual circumstances.

d. Any request for accommodation that is denied is subject to appeal as follows.

(1) The requesting member shall be informed by the commanding officer of the right to appeal the decision up the chain of command.

(2) Requests denied by the commanding officer shall be appealed to the next higher level of command. Subsequent appeals shall be made at successive levels of command up to and including the Chief of Naval Operations (CNO) or Commandant of the Marine Corps (CMC) as appropriate.

(3) The next level of command will either overturn or uphold the contested decision within 30 days of the date of appeal for cases arising in the United States, and within 60 days for all other cases. Absent unusual circumstances, exceptions to these deadlines shall be limited.

(4) Denied requests regarding the wear of religious apparel shall be appealed directly to the CNO or the CMC per reference (a). The CNO and CMC will provide an information copy of the approval or denial to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN(M&RA)).

(5) The decision of the CNO or CMC shall not be subject to appeal.

6. Religious observances shall be accommodated, except by reason of necessity, as provided in reference (b). In scheduling, commanders should be mindful of major religious observances.

7. Dietary Observance. Commanders afloat and ashore should accommodate religious dietary observances to the fullest possible extent within the limits and guidelines established by this policy. Commanders normally accommodate religious dietary observances through a standard core menu that supports many

religious dietary requirements, and or by issuing Meals Ready to Eat, Religious (MRE-R), or through other appropriate means. To the extent that health, safety, or readiness in the unit is not compromised, commanding officers should authorize individuals to provide their own supplemental food rations at sea or in the field environment to accommodate their religious dietary observances.

8. Immunizations. Immunization requirements may be waived when requested by the member based on religious objection.

a. The religious objection of the service member must be balanced against the medical risk to the member and the military unit, and military requirements such as alert status, deployment potential, and availability of the member for reassignment to units requiring full medical readiness. To provide for consistent application of these guidelines, immunization waivers will be decided by the Surgeon General of the Navy (CNO (N093)) or headquarters level designee. Individual requests shall be submitted to Chief, Bureau of Medicine and Surgery (MEDCOM-24), via the commanding officer and Deputy Chief of Naval Operations, Manpower, Training and Education (CNO (N1)) or CMC Deputy Chief of Staff for Manpower and Reserve Affairs (DCS (M&RA)), as appropriate.

b. Commanding officers may subsequently revoke waivers for service members at imminent risk of disease due to exposure or to conform to international health regulations incident to foreign travel or unit deployment. The guidance in paragraph 11e on irresolvable differences must be considered in such circumstances.

9. Deoxyribonucleic Acid (DNA) Specimen Sampling

a. Requests for waiver of the DNA specimen sample requirement will be decided by CNO (N1) or CMC (DCS (M&RA)). Individual requests shall be submitted to CNO (N1) or CMC (DCS (M&RA)), as appropriate, via the commanding officer.

b. When determining whether to grant a request for waiver based on religious medical practices, the five factors contained in paragraph 11c as supplemented by the following shall be considered:

(1) DNA analysis fulfills the military requirement of quickly and accurately identifying the remains of service members under reference (d). DNA analysis is not conducted on the specimen unless necessary for identification of remains or for other narrowly defined purposes. The specimen sample will be destroyed at the request of the member upon completion of service.

(2) The cumulative impact of repeated accommodations of a similar nature and previous treatment of similar requests may set a precedent that could adversely impact other Department of Defense (DoD) medical policies and programs, including mandatory pre-deployment processing, medical screening activities, Human Immunodeficiency Virus testing and medical surveillance program serum collection.

10. Uniforms

a. When approved by competent military authority, religious apparel not visible or otherwise apparent may be worn with the uniform, provided it does not interfere with the performance of the member's military duties or interfere with the proper wearing of any authorized article of the uniform.

b. When approved by competent military authority, visible items of religious apparel will be authorized for wear with the uniform, except when the item is not neat and conservative, its wearing will interfere with the performance of the member's military duties, or is specifically prohibited in subparagraphs 10d and 10e. In the context of the wearing of a military uniform, "neat and conservative" items of religious apparel are those that:

(1) Are discreet, tidy, and not dissonant or showy in style, size, design, brightness or color.

(2) Do not replace or interfere with the proper wearing of any authorized article of the uniform.

(3) Are not temporarily or permanently affixed or appended to any article of the uniform.

(4) Do not obscure the identity of the wearer or interfere with communication.

c. The standards in subparagraph 10b, and the prohibitions in subparagraphs 10d and 10e, are intended to serve as a basis for determining a service member's authorization to wear religious apparel with the uniform. Unless prohibited by subparagraph 10d or 10e, religious apparel shall be authorized.

d. Whether an item of religious apparel interferes with the performance of the service member's military duties depends on the characteristics of the item, the circumstances of its intended wear, and the particular nature of the member's duties. Factors in determining if an item of religious apparel interferes with the military duties include, but are not limited to, whether the item may:

(1) Impair the safe and effective operation of weapons, military equipment, or machinery.

(2) Pose a health or safety hazard to the wearer or others.

(3) Interfere with the wearing or proper functioning of special or protective clothing or equipment (e.g., helmets, flak jackets, flight suits, camouflage uniforms, gas masks, wet suits, and crash and rescue equipment).

(4) Otherwise impair the accomplishment of the military mission.

e. Visible items of religious apparel shall not be worn while wearing historical or ceremonial uniforms; participating in review formations, parades, honor or color guards and similar ceremonial details or functions.

f. Jewelry bearing religious inscriptions or otherwise indicating affiliation or belief may be worn subject to the same uniform regulations prescribed for jewelry that is not of a religious nature.

g. Chaplains may wear any religious apparel required by their religious organizations with the uniform while conducting public worship services and during the performance of rites and rituals distinct to their faith groups.

h. Service members may wear any required religious apparel distinct to their faith group with the uniform while in attendance at public worship services.

i. Subject to the guidelines in subparagraph 4d, and the limitations in subparagraphs 10b, 10d, and 10e, commanding officers shall approve individual requests for wearing visible religious apparel with the uniform in circumstances other than attendance at public worship services. Visible items of religious apparel may not be worn with the uniform until approved.

j. A member whose request to wear a visible item of religious apparel has been approved by their commanding officer must again request approval when reporting to a new command or when a new commanding officer reports.

11. Responsibilities

a. Members seeking religious accommodation must submit their request in writing through their chain of command to their commanding officer, commander, or as otherwise specified in this instruction.

b. Commanders will respond to requests for accommodation in a just and timely manner, supporting religious freedom and respect for religious diversity within the Sea Services.

c. Commanders and commanding officers shall approve requests for religious accommodation within the guidelines of this instruction. To promote standard procedures for the accommodation of religious practices, commanding officers shall consider the following factors:

(1) The importance of military requirements, including individual readiness, unit readiness, unit cohesion, health, safety, morale, discipline, and mission accomplishment.

(2) The religious importance of the accommodation to the requester.

(3) The cumulative impact of repeated accommodations of a similar nature.

(4) Alternative means available to meet the requested accommodation.

(5) Previous treatment of the same or similar requests, including treatment of similar requests made for other than religious reasons. Religious requests should be considered at least as favorably as non-religious requests. A request for religious accommodation should not be denied simply because a similar non religious request was denied.

d. When requests are precluded by military necessity, commanders should seek reasonable alternatives.

e. When requests for accommodation are not in the best interests of the unit but continued tension between the unit's requirements and the individual's religious beliefs is apparent, administrative action is authorized, including but not limited to: reassignment, reclassification, or separation consistent with Secretary of the Navy (SECNAV) and Service regulations.

f. Commanding officers shall report each decision to approve or deny a request for religious accommodation up the chain of command to CNO (N1) or CMC (DSC (M&RA)) as appropriate.

g. Nothing in this instruction precludes action under the Uniform Code of Military Justice in appropriate circumstances.

h. The Chief of Chaplains will annually report to the SECNAV, the CNO and the CMC on religious demographics and religious diversity in the DON.

i. The Chief of Chaplains will provide procedures for commanders to record and report their decisions regarding requests for accommodation.

12. Information and Education

a. The CNO and CMC shall provide DON policy on accommodation of individual religious practices and military requirements in paragraphs 5 and 5a of this instruction to applicants for commissioning, enlistment and reenlistment, and shall require the member's signature acknowledging the DON policy.

b. The CNO and CMC shall incorporate relevant materials on religious traditions, practices, policies, this instruction, and reference (e), in curriculum for command, judge advocate, chaplain and similar courses of instruction and orientation.

13. Action


a. ASN(M&RA) is responsible for overall policy control and program execution.

b. The CNO and CMC shall implement the policies and procedures in this instruction.

c. The CNO and CMC shall review Service regulations governing uniforms, food service, separate rations, immunizations, and DNA sampling and revise them as necessary in order to conform to this instruction within 90 days from the date of this instruction and provide copies of each such regulation revision to ASN(M&RA).

d. CNO (N1) and CMC (DCS (M&RA)) shall collect, maintain and make available to the Chief of Navy Chaplains (CNO (N097)) the data concerning religious diversity, religious demographics and statistics related to the approval and denial of requests for religious accommodation.

14. Records Management. Records created by this instruction, regardless of media and format, shall be managed in accordance with SECNAV Manual 5210.1.



Donald C. Winter

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<http://doni.daps.dla.mil/>



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

ACTION MEMO

FOR: ASSISTANT SECRETARY OF THE NAVY (MANPOWER AND RESERVE AFFAIRS)

FROM: VADM S. R. Van Buskirk, Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education) (N1)

SUBJECT: United States Navy Religious Accommodation Process

- Mr. Secretary, request you grant authority for N1 to approve all religious accommodation requests. TAB B is a similar authorization granted to the Marine Corps on November 1, 2012.
- The Secretary of Defense directed the services to review and ensure sufficient clarity and specificity in religious accommodation processes; consistent with the Chairman of the Joint Chiefs of Staff (CJCS) and Service Chiefs' intent to ensure that appropriate levels exercise regulatory waiver authority, the U.S. Navy developed a process by which requests for religious accommodation (grooming or apparel, only) will be addressed in accordance with pertinent law, rules, regulations and instructions.
- The Navy religious accommodation process has a twofold purpose: first, to maintain the fighting capability of the Navy at the highest level; and second, to accommodate the religious practices of members where and when appropriate.
- Upon receipt of a request, DCNO (N1) will consider the totality of the request as well as precedence, approve or disapprove, in whole or in part, and send the decision, via the chain of command, to the requestor. The denial of a request is subject to review by the Chief of Naval Operations (CNO). The requestor, upon receipt of the DCNO (N1) decision, may appeal that decision to the CNO, whose decision is final.
- The process alters pre-existing practice, but maintains the service-level oversight twice determined necessary by the CJCS and Service Chiefs. This process provides appropriate and consistent accommodation determinations within the requirements of the pertinent instructions, regulations, and law, as recommended by OSD.
- I am working with the Chief of Chaplains and DC (M&RA) on a re-write of SECNAVINST 1730.8C that codifies this change at which time, this action memo is no longer required.

SUBJECT: United States Navy Religious Accommodation Process

RECOMMENDATION: Approve request by initialing below as appropriate:

Approve MB Disapprove _____

ATTACHMENTS: 46 Jun 13

As stated

COORDINATION: TAB C

Prepared By:

(b) (6)

MILPERSMAN 1730-020

IMMUNIZATION EXEMPTIONS FOR RELIGIOUS BELIEFS

Responsible Office	OPNAV (N131)	Phone:	DSN COM	664-5015 (703) 604-5015
MyNavy Career Center		Phone: Toll Free	1-833-330-MNCC (6622)	
		E-mail:	askmncc@navy.mil	
		MyNavy Portal:	https://my.navy.mil/	

References	(a) DoD Instruction 1300.17 of 10 February 2009 (b) BUPERSINST 1730.11A (c) BUMEDINST 6230.15B (d) SECNAVINST 1730.9A (e) SECNAVINST 1920.6D
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1. **Policy.** The Navy requires immunizations for all Sailors, based on its compelling interest in the health and safety of the military workforce. Pursuant to references (a) and (b), religious exemptions of immunization requirements will include the justification and endorsements in paragraphs 4 and 5 of this article prior to routing to the Chief of Naval Personnel (CHNAVPERS) for decision. Non-religious medical waivers of immunization requirements will be adjudicated by the health care provider as addressed in reference (c).

2. **Authority.** Authority to grant medical waivers of immunization requirements is vested at the Bureau of Medicine and Surgery (BUMED). Authority to grant religious exemptions of immunization requirements is vested with CHNAVPERS.

3. **Application Procedure.** Service members requesting religious exemption of immunization requirements will forward their requests to CHNAVPERS via their commanding officers (CO) or immediate superiors in command. Submission guidance for commands is provided in reference (b).

4. **Contents of Service Member's Request.** The request will include the following information:

- a. Full name and grade,

b. Immunization(s) exemption requested and the reason why the exemption is needed, and

c. The following signed [NAVPERS 1070/613](#) Administrative Remarks, using the following format:

"I request a waiver of the (state the type) immunization. I hereby state that my request is based upon (religious objection to immunization or other reasons specifically described). I acknowledge having received the following counseling:

1. Failure to obtain immunization poses additional risk to my health upon exposure to disease.

2. In the event of foreign travel, I may be detained during travel across foreign borders due to international health regulations.

3. If granted, a waiver may be revoked by my commanding officer if I am at imminent risk of disease or due to international health regulations.

4. If my job duties change, I may need to route a new request.

5. If I am at my permanent change of station while my waiver is in effect, I may need to route a new request if my job duties change, my geographic region exposes me to the aforementioned disease, or other factors exist that could put me at imminent risk of disease.

Service Member's Signature

Witnessed:

5. **Content of Commander's Endorsement.** In line with reference (b), COs must endorse every request for religious accommodation through waiver of immunization requirements. The content of the endorsement must include:

a. An endorsement from a military chaplain in line with reference (d),

b. A recommendation to approve or disapprove the request,

c. Relevant information concerning the applicable operational or regional policies,

d. Negative effect (if any) on mission accomplishment (i.e., military readiness, unit cohesion, good order, discipline, health, and safety),

e. The number of Service members in the command that have been granted a similar exemption for non-religious purposes, and

f. When recommending denial of the request, a determination that the denial furthers a compelling governmental interest (such as those identified in subparagraph 5d above), and that there is no less restrictive means of accommodating the request, such as an available alternative vaccination that meets both the religious need and the Navy's immunization requirements as determined by BUMED.

6. **Applicant Counseling.** COs will ensure applicants are counseled concerning the following, in line with subparagraph 4c above:

a. The additional risk to health on exposure to disease against which the applicant will not be protected by a military physician who informs Service member of diseases concerned, and benefits and risks of vaccine;

b. The possibility that the applicant may be detained during travel across international borders due to international health regulations; and

c. The possibility that individuals granted such exemptions may have their waivers revoked if they are at imminent risk of disease (e.g., exposure to anthrax, measles, cholera, etc.) or due to international health regulations.

7. **Revocation of Waiver by CO.** COs may, without prior approval, revoke a Service member's authorized immunization waiver in the event of imminent risk of disease due to exposure or as a result of international health regulations incident to foreign travel. If a Service member's immunization waiver is revoked, such action must be reported to CHNAVPERS and BUMED Public Health and Safety Division (M44) by message as soon as possible.

8. **Administrative and Disciplinary Actions**

a. In line with reference (a), Service members submitting requests for religious accommodations will comply with the

policy, practice, or duty from which they are requesting accommodation, unless or until the request is approved.

b. Service members whose waivers have been disapproved, or those who refuse to take immunizations without approved waivers, may be subject to administrative and or disciplinary actions, as deemed appropriate by COs, for violation of a lawful order.

c. Actions include:

(1) Formal counseling and warning recorded on [NAVPERS 1070/613](#),

(2) Nonjudicial punishment,

(3) Court-martial, or

(4) Processing for administrative separation.

d. See [MILPERSMAN 1910-120](#), [1910-142](#), [1910-164](#), and [1910-402](#) for guidance on enlisted separations. See reference (d) for officer separations.



Office of the Attorney General

Washington, D.C. 20530

October 6, 2017

MEMORANDUM FOR ALL COMPONENT HEADS AND UNITED STATES ATTORNEYS

FROM: THE ATTORNEY GENERAL 

SUBJECT: Implementation of Memorandum on Federal Law Protections
for Religious Liberty

The President has instructed me to issue guidance interpreting religious liberty protections in federal law. Exec. Order 13798, § 4 (May 4, 2017). Pursuant to that instruction and consistent with my authority to provide advice and opinions on questions of law to the Executive Branch, I have undertaken a review of the primary sources for federal protection of religious liberty in the United States, along with the case law interpreting such sources. I also convened a series of listening sessions, seeking suggestions regarding the areas of federal protection for religious liberty most in need of clarification or guidance from the Attorney General.

Today, I sent out a memorandum to the heads of all executive departments and agencies summarizing twenty principles of religious liberty and providing an appendix with interpretive guidance of federal-law protections for religious liberty to support those principles. That memorandum and appendix are no less applicable to this Department than to any other agency within the Executive Branch. I therefore direct all attorneys within the Department to adhere to the interpretative guidance set forth in the memorandum and its accompanying appendix.

In particular, I direct the Department of Justice to undertake the following actions:

- All Department components and United States Attorney's Offices shall, effective immediately, incorporate the interpretative guidance in litigation strategy and arguments, operations, grant administration, and all other aspects of the Department's work, keeping in mind the President's declaration that "[i]t shall be the policy of the executive branch to vigorously enforce Federal law's robust protections for religious freedom." Exec. Order 13798, § 1 (May 4, 2017).
- Litigating Divisions and United States Attorney's Offices should also consider, in consultation with the Associate Attorney General, how best to implement the guidance with respect to arguments already made in pending cases where such arguments may be inconsistent with the guidance.
- Department attorneys shall also use the interpretive guidance in formulating opinions and advice for other Executive Branch agencies and shall alert the appropriate officials at such agencies whenever agency policies may conflict with the guidance.
- To aid in the consistent application of the Religious Freedom Restoration Act of 1993 (RFRA), 42 U.S.C. § 2000bb *et seq.*, and other federal-law protections for religious liberty, the Office of Legal Policy shall coordinate with the Civil Rights Division to

review every Department rulemaking and every agency action submitted by the Office of Management and Budget for review by this Department for consistency with the interpretive guidance. In particular, the Office of Legal Policy, in consultation with the Civil Rights Division, shall consider whether such rules might impose a substantial burden on the exercise of religion and whether the imposition of that burden would be consistent with the requirements of RFRA. The Department shall not concur in the issuance of any rule that appears to conflict with federal laws governing religious liberty, as set forth in the interpretive guidance.

- In addition, to the extent that existing procedures do not already provide for consultation with the Associate Attorney General, Department components and United States Attorney's Offices shall notify the Associate Attorney General of all issues arising in litigation, operations, grants, or other aspects of the Department's work that appear to raise novel, material questions under RFRA or other religious liberty protections addressed in the interpretive guidance. The Associate Attorney General shall promptly alert the submitting component of any concerns.

Any questions about the interpretive guidance or this memorandum should be addressed to the Office of Legal Policy, U.S. Department of Justice, 950 Pennsylvania Avenue N.W., Washington, D.C. 20530, phone (202) 514-4601.

Thank you for your time and attention to this important matter.